

Issue Under 35 U.S.C. §102(b)/§103(a)

Claims 5-10, 13, 14, 16, 18 and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative under 35 U.S.C. §103(a) as obvious over Barletta '847 (USP 4,919,847). Applicant respectfully requests reconsideration and withdrawal of each of these rejections based upon the following considerations.

Present Invention

As stated in the previous Response, Applicant utilizes an advantageous inventive dry-neutralizing process to make detergent granules and detergent compositions. The resulting detergent granules have low tackiness and a small particle size, such that agglomeration of the granules can be advantageously controlled. Accordingly, Applicant prepares with the instant process superior detergent granules and detergent compositions.

Distinctions Between the Present Invention and Barletta '847

Barletta '847 discloses a process for manufacturing a particulate detergent composition where an anionic synthetic organic detergent acid is reacted with a neutralizing agent to produce a corresponding neutralized detergent salt in a liquid or slurry state. The neutralized detergent salt in its liquid or

slurry state is absorbed with particulate solid carrier particles such as bentonite in order to produce a detergent salt-carrier composition in particulate form.

Applicant asserts that the process of Barletta '847 is fundamentally different from the inventive process being instantly claimed and fails to appreciate the advantages of the present invention.

Barletta '847 fails to disclose a method for producing detergent granules, comprising the step of dry-neutralizing a liquid acid precursor of a non-soap, anionic surfactant with a water-soluble, solid, alkali inorganic substance. Specifically, when the dry-neutralizing step is carried out in the presence of 0.1 to 1.0 mol of an inorganic acid per mol of said liquid acid precursor of a non-soap, anionic surfactant, and the resulting detergent granules contain the non-soap, anionic surfactant in an amount of 28% by weight or more and less than 50% by weight, and have a molar ratio of (inorganic salt undetectable by x-ray diffraction method)/(non-soap, anionic surfactant) of from 0.1 to 1.0.

The Examiner indicates that the abstract of Barletta '847 discloses the present invention by stating " instead of employing aqueous or liquid neutralizing agents, powdered solids may be used, in which case the neutralization and absorption functions may take

place in the same zone." However, Barletta '847 fails to describe or otherwise provide a written description of the process in the text of the disclosure. Barletta '847 fails to provide or disclose a detergent composition or detergent granules as recited in the instant claims. More particularly, nowhere in the cited Barletta et al. reference is there disclosed or provided a method containing a dry-neutralizing step such as that recited in the instant claims, or is there disclosed or provided a detergent composition or detergent granules produced utilizing such a dry-neutralization step.

Furthermore, Applicant disagrees with the Examiner's assumption that Example 3 discloses the ranges of the present invention. In Example 3 of Barletta '847, the weight ratio of dodecylbenzene sulfonic acid to sulfuric acid is 91 : 7 (or 1 : 0.077), which equates to a molar ratio of 1:0.25. Similarly, the liquid acid (sulfuric acid):sodium carbonate ratio in Example 3 of Barletta '847 is 23:77. A comparison of these ratios with the instant claims clearly shows that the Barletta '847 Example 3 composition is outside the scope of the instant pending product claims. In addition, Applicant asserts that example 3 describes a fundamentally different process, since it fails to disclose a dry neutralization process.

Accordingly, since Barletta '847 fails to disclose a dry-neutralizing step during granule preparation and fails to provide for a detergent composition or detergent granules as instantly claimed, Barletta '847 produces detergent granules that are not identical with the present invented detergent or detergent granules. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Since Barletta '847 fails to disclose essential elements of the present invention, Barletta '847 fails to anticipate the present invention. Applicant respectfully requests withdrawal of the 35 U.S.C. §102 rejection.

Regarding the §103 rejection, Barletta '847 fails to suggest the present invention. A skilled artisan would not understand the advantages of the present invention upon reading Barletta '847. The mere mention of the possible embodiment of using "powdered solids" fails to render obvious the process of dry-neutralization. A skilled artisan would not understand the advantages of the present invention, because the entire disclosure and Examples of Barletta '847 direct a skilled artisan to a wet-neutralization process. Furthermore, Barletta '847 fails to disclose the ranges as set forth in the present claims.

Applicant respectfully requests the withdrawal of the 35 U.S.C. §103(a) rejection.

Issue Under 35 U.S.C. §103(a)

Claims 5-10, 13, 15, 17, 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Barletta '847. Applicant submits that patentable distinctions exist between the present invention and the cited prior art.

The Examiner asserts that Barletta '847 disclose every element of the present invention, except the molar ratio of sulfuric acid to akylbenzene sulfonic acid.

Barletta '847 fails to disclose a method for producing detergent granules, comprising the step of dry-neutralizing a liquid acid precursor of a non-soap, anionic surfactant with a water-soluble, solid, alkali inorganic substance. Barletta '847 fails to disclose that a dry-neutralizing step is carried out in the presence of 0.3 to 1.0 mol of an inorganic acid per mol of said liquid acid precursor of a non-soap, anionic surfactant, and wherein the resulting detergent granules contain the non-soap, anionic surfactant in an amount of 15% by weight or more and less than 28% by weight, and have a molar ratio of (inorganic salt undetectable by x-ray diffraction method)/(non-soap, anionic surfactant) of from 0.3 to 1.0.

The Examiner asserts that Barletta '847 disclose concentration ranges of reactants that could be manipulated to overlap with the molar ratio of the present invention. Applicant traverses this assumption.

Barletta '847, as discussed above, discloses a fundamentally different process. Barletta '847 fails to provide direction to a skilled artisan to combine the reactants in a manner in the disclosed wet process that is equal to the molar ratio disclosed in the present invention. Applicant asserts that a skilled artisan would find no motivation Barletta '847 to combine the reactants in a manner to provide a molar ration a set forth in the claims for the dry-neutralization process.

Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection.

Issue Under 35 U.S.C. §103(a)

Claims 5, 6, 8-10 and 13-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tadsen '489 (USP 5,527,489). Applicant submits that patentable distinctions exist between the present invention and the cited prior art.

Tadsen '489 discloses a process for making a high-density granular detergent composition by forming a particulate composition comprised of a pH sensitive detergent surfactant; by mixing and

shearing the particulate composition to partially fluidize the composition; by dispersing into the fluidized particulate composition an alkylbenzene sulfonic acid containing 85% to 98% sulfonic acid, the dispersion being done in a manner to achieve atomization of alkylbenzene sulfonic acid into a fine droplets, thereby neutralizing the alkylbenzene sulfonic acid.

The Examiner asserts that a skilled artisan would reasonably expect the molar ratio of sulfuric acid to alkylbenzene sulfonic acid to be within the limitation of the present invention, because Tadsen '489 discloses that the alkylbenzene sulfonic acid contains 85 to 98% sulfonic acid and 2 to 12% sulfuric acid. Applicant traverses this assumption.

Applicant has shown in the Examples and in the Tables in the present disclosure that the molar ratio of the present invention is essential in providing the superior results of the present invention. Tadsen '489 recites broad ranges of contents of components without providing any guidance to the significance of the ranges. The prior art must suggest the desirability of making a modification in order for the Examiner to make a *prima facie* case. In re Brower, 77 F.3d 422, 425-426, 37 U.S.P.Q.2d 1663, 1666 (Fed. Cir. 1995).

The Examiner must present a *prima facie* case of obviousness consisting of motivation or suggestion to modify or combine

references such that one of ordinary skill in the art has a reasonable expectation of success of making the present process. "Obviousness can only be established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art." MPEP 2143.01, citing In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Tadsen '489 fails to disclose or suggest essential elements as set forth in the claims; thus, a *prima facie* case of obviousness has not been presented.

#### Conclusion

Applicant submits for the reasons stated above that the present claims define patentable subject matter such that this application should be placed into condition for allowance.

If the Examiner has any questions regarding the above matters, please contact Applicants' representative, Mark W. Milstead (Reg. No. 45,825), in the Washington, metropolitan area at the telephone number listed below.

Pursuant to 37 C.F.R. 1.17 and 1.136(a), the Applicants respectfully petition for a two (2) month extension of time for



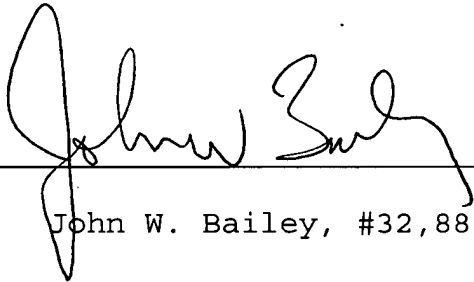
Appl. No. 09/254,474

filing a response in connection with the present application. The required extension fee of \$390.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By  \_\_\_\_\_

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